

REMARKS

The Office examined claims 1-24 and rejected same. With this paper, the claims are unchanged.

Objections to the specification

At section 2 of the Office action, the disclosure is objected to for an informality. With this paper, the disclosure is changed in a way believed to obviate the grounds for the objection.

Rejections under the judicially created doctrine of obviousness-type double patenting

At section 4 of the Office action, claims 1-24 are rejected under the judicially created doctrine of obviousness-type double patenting. With this paper a terminal disclaimer is provided, believed to obviate the grounds for the rejections. Accordingly, applicant respectfully requests that the rejections under the judicially created doctrine of obviousness-type double patenting be withdrawn.

Rejections under 35 USC §103

At section 6 of the Office action, claims 1-24 are rejected under 35 USC §103 as being unpatentable over Applicant Admitted Prior Art (AAPA) in reference to SyncML Initiative (including standards and specifications for SyncML, SyncML Representation Protocol, and SyncML Sync Protocol, SyncML Device Management Protocol).

In rejecting claim 1, the Office action cites the application at page 6, ll. 2-24, and page 9, ll. 21-24, as teaching that information about a change in the data structure of the first device is also transmitted in the message in an element

or field of the message. Claim 1 implicitly defines a change in a data structure as a change in folders used to contain data. Applicant respectfully points out that the specification, at page 6, ll. 2-24, explains in particular that according to the prior art for SyncML, if a user changes folders on a device, SyncML cannot be used to synchronize the data store on the device with a corresponding data store being maintained on another device, and the prior art for SyncML allows only synchronizing with respect to changes in data units. Applicant notes that the application at page 9, ll. 21-24, states that communicating changes in a directory structure is not "problematic" if the same application takes care of handling the data and handling the communication according to a synchronization protocol, but noting that some claimed limitation is not "problematic" in view of the prior art is not a statement that the limitation is taught or suggested by the prior art. The application then goes on, at page 9, to explain that if several applications share a data store organized as a directory structure and store their respective data units in one or more of the folders of the directory structure, then how best to arrange for synchronizing not only data units but also folders is "not clear." Thus, the application explains that the prior art *does not provide for communicating changes in the data structure/ folders used to contain data*, which is recited in claim 1, and although the prior art does not make it problematic to determine a way to communicate such a change when the application communicating the change is the same as the application that creates or maintains the data contained in the folders, it is not clear from the prior art how this might be done in case of more than one application placing data in the folders/ containers to which changes have been made.

Further, the Office action cites the SyncML Representation Protocol standard, presumed to be version 1.1, as teaching that

the information about data in a first data store is placed in a message in an element or field different from an element or field where information about a change in a data structure is placed. Applicant does not see in the cited SyncML Representation Protocol standard where there is such a teaching or suggestion, and in particular notes that the SyncML Representation Protocol does not address the case of a change in a data structure/folders. Applicant has searched the reference for any mention of folders, and has found no such reference.

Accordingly, applicant respectfully requests that the rejections under 35 USC §103 be reconsidered and withdrawn.

Conclusion

For all the foregoing reasons it is believed that all of the claims of the application are in condition for allowance and their passage to issue is earnestly solicited. Applicant's attorney urges the Examiner to call to discuss the present response if anything in the present response is unclear or unpersuasive.

Sept. 14, 2005

Date

WARE, FRESSOLA, VAN DER SLUYS  
& ADOLPHSON LLP  
755 Main Street, P.O. Box 224  
Monroe, CT 06468-0224

Respectfully submitted,



James A. Retter

Registration No. 41,266

tel: (203) 261-1234

Cust. No.: 004955